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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/676,655

09/30/2003

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EXAMINER

TRIEU, VAN THANH

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/676,655

Applicant(s)

FISCHER ET AL.

Examin r

Van T Trieu

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the c rrespondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-18 is/are allowed.
6) ☒ Claim(s) 19-53 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/30/03.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 19-23, 26-30, 33-35, 37, 40, 42-45 and 47-52 are rejected under 35 U.S.C. 102(b) as being anticipated by **Curt et al** [US 6,360,177].

Regarding claim 19, the claimed an outage detection device for detecting a power outage in a circuit comprising: a circuit interface operable coupled to the circuit (the power monitoring devices 100, 201, 203 for detecting power outage of computer 206, 204, 208 and others via the power circuit portion 496, see Figs. 1 and 4, col. 3, lines 26-67, col. 4, lines 1-39 and col. 5, lines 4-29); and means for determining a status of power supply to the circuit via the circuit interface (the microprocessor 435 determines of power supply condition/status via the power circuit interface 496, see Figs. 1 and 4, col. 2, lines 16-32, col. 3, lines 26-55 and col. 6, lines 3-26); and means for communicating the status of power supply to at least one other outage detection device (the microprocessor 435 controls to provides power status/condition to a remote monitoring center 300 via the communication interface 455 or a special network interfaces 212, 213, see Figs. 1 and 4, col. 3, lines 64-67, col. 4, lines 1-67).

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Regarding claim 20, all the claimed subject matters are cited in respect to claim 19 above, and including the AC adaptor, see Fig. 1, col. 3, lines 31-33.

Regarding claim 21, all the claimed subject matters are cited in respect to claim 20 above, and including the micro-controller (the microprocessor 435, see Fig. 4).

Regarding claim 22, all the claimed subject matters are cited in respect to claim 20 above.

Regarding claim 23, all the claimed subject matters are cited in respect to claim 22 above, and including the battery (the backup battery 450, see Fig. 4, col. 6, lines 27-36).

Regarding claim 25, all the claimed subject matters are cited in respect to claim 19 above, and including the second circuit (the second monitoring device 201 or 203, see Fig. 1).

Regarding claim 26, all the claimed subject matters are cited in respect to claims 20 and 25 above.

Regarding claim 27, all the claimed subject matters are cited in respect to claims 21 and 26 above.

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Regarding claim 28, all the claimed subject matters are cited in respect to claims 22 and 26 above.

Regarding claim 29, all the claimed subject matters are cited in respect to claims 23 and 28 above.

Regarding claim 30, all the claimed subject matters are cited in respect to claim 29 above, col. 6, lines 27-36.

Regarding claim 33, all the claimed subject matters are cited in respect to claim 25 above, and including the cable network (the LAN or WAN network, see Figs. 1 and 3).

Regarding claim 34, all the claimed subject matters are cited in respect to claim 25 above, and including the telephone network, see col. 5, line 1.

Regarding claim 35, all the claimed subject matters are cited in respect to claim 34 above, and including modem data server, see Fig. 3, col. 4, lines 2-56.

Regarding claim 37, all the claimed subject matters are cited in respect to claim 25 above.

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Regarding claim 40, all the claimed subject matters are cited in respect to claim 37 above, and including the voice message (the telephone communication for transmitting and receiving voice messages, see col. 4, lines 11-21 and col. 25, lines 1-8).

Regarding claim 42, all the claimed subject matters are cited in respect to claims 23 and 37 above.

Regarding claim 43, all the claimed subject matters are cited in respect to claims 33 and 42 above.

Regarding claim 44, all the claimed subject matters are cited in respect to claims 33 and 43 above.

Regarding claim 45, all the claimed subject matters are cited in respect to claims 34 and 43 above

Regarding claim 47, all the claimed subject matters are cited in respect to claims 35 and 47 above.

Regarding claim 48, all the claimed subject matters are cited in respect to claims 26, 28 and 37 above.

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Regarding claim 49, all the claimed subject matters are cited in respect to claims 25 and 26 above.

Regarding claim 50, all the claimed subject matters are cited in respect to claims 33 and 49 above.

Regarding claim 51, all the claimed subject matters are cited in respect to claims 34 and 49 above.

Regarding claim 52, all the claimed subject matters are cited in respect to claims 35 and 51 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 24, 31, 32, 36, 41, 46 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Curt et al** [US 6,360,177] in view of **Quigley** [US 6,583,720]. Regarding claim 24, **Curt et al** fails to disclose the communication means includes a wireless transceiver operable to transmit a signal representative of the status of the power supply to the circuit. However, **Curt et al** teaches that the power status is transmitted through the communication networks such as LAN, WAN or by telephone, see Figs. 1, 2 and 4, col. 2, lines 33-39, col. 3, lines 56-67, col. 4, lines 1-32, col. 6, lines 42-46 and col. 25, lines 1-5. **Quigley** suggests that a method and apparatus for a home monitoring system including power sensor modules 244 and a wireless RF communication or cellular telephone for transmitting of power outage status to a remote service center 34, see Figs. 1-3 and 10, col. 3, lines 34-67, col. 4, lines 42-46, col. 5, lines 3-41, col. 6, lines 61-67 and col. 7, lines 1-64. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the RF wireless or cellular telephone of **Quigley** for the LAN, WAN or telephone of **Curt et al** in order to eliminate of wires or cables while providing convenience to user or customers wish to monitoring power condition at any places.

Regarding claim 31, all the claimed subject matters are discussed between **Curt et al** and **Quigley** in respect to claims 24 and 25 above.

Regarding claim 32, all the claimed subject matters are discussed between **Curt et al** and **Quigley** in respect to claims 25 and 31 above.

Regarding claim 36, **Curt et al** fails to disclose the receiving system including an integrated voice response IVR system and the telephone network using at least one dual-tone multi-frequency DTMF signal. However, **Curt et al** teaches that the monitoring center 300 receives messages via LAN, WAN and/or telephone network, see Figs. 1, 2 and 4, col. 2, lines 33-39, col. 3, lines 56-67, col. 4, lines 1-32, col. 6, lines 42-46 and col. 25, lines 1-5. **Quigley** suggests that a method and apparatus for a home monitoring system including a command console 10 has a serial communicator, which communicates via the PSTN or the cellular telephone line or the IVR system. The dial service will use pulse or DTMF dialing depending on the system configuration, which can be changed by a system service, see Figs. 2 and 3A, col. 5, lines 14-22 and col. 12, lines 12-25. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the telephone communication IVR system with DTMF dialing of **Quigley** for the telephone network communication of **Curt et al** since the communication system is using of telephone communication line for dialing to establish a voice communication between the monitoring devices and the remote monitoring center.

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Regarding claim 41, **Curt et al** fails to disclose the notifying the at least one representative of the customer including transmitting a page to at least one pager number associated with the at least one representative. However, **Curt et al** teaches that the power status is transmitted through the communication networks such as LAN, WAN or by telephone, see Figs. 1, 2 and 4, col. 2, lines 33-39, col. 3, lines 56-67, col. 4, lines 1-32, col. 6, lines 42-46 and col. 25, lines 1-5. **Quigley** suggests that a method and apparatus for a home monitoring system including a pager accessory for receiving new information and updating of information from the customer service center, see col. 20, lines 1-15. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the pager of **Quigley** for the telephone communication of **Curt et al** for providing flexibility and convenience to the users or subscribers since the pager system is a portion of the telephone communication system.

Regarding claim 46, all the claimed subject matters are discussed between **Curt et al** and **Quigley** in respect to claims 36 and 45 above.

Regarding claim 53, all the claimed subject matters are discussed between **Curt et al** and **Quigley** in respect to claims 24 and 51 above.

3. Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Curt et al** [US 6,360,177] in view of **Kung et al** [US 6,690,675].

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Regarding claim 38, **Curt et al** fails to disclose the notifying including transmitting an email to at least one email address associated with the at least one representative.

However, **Curt et al** teaches that the power status is transmitted through the communication networks such as LAN, WAN via modem or by telephone, see Figs. 1, 2 and 4, col. 2, lines 33-39, col. 3, lines 56-67, col. 4, lines 1-32, col. 6, lines 42-46 and col. 25, lines 1-5. **Kung et al** suggests that an IP telephone network, hardware and software in customer premises is automatically dialed summoning help or notifying a service provider of a condition or event requiring attention by e-mail when a telephone handset or other triggering event such as power outage occurs or is detected, see Figs. 1-4, col. 2, lines 40-52, col. 10, lines 54-61 and col. 18, lines 46-56. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the e-mail notifying of **Kung et al** for the notification of power outage via LAN, WAN or telephone system of **Curt et al** in order a user or subscriber may simulate a work environment in his/her home, since the e-mail are communicating over the LAN, WAN or telephone network to a computer.

Regarding claim 39, all the claimed subject matters are discussed between **Curt et al** and **Kung et al** in respect to claims 37 and 38 above, wherein the notifying of power outage events through e-mail, facsimile and/or video conferencing, see **Kung et al**, col. 18, lines 46-56.

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Conclusion

4. Claims 1-18 are allowable over the prior art.
5. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (571) 272-2981.

A handwritten signature in black ink, appearing to read 'Van Trieu', with a long, sweeping horizontal line extending to the right.

Van Trieu
Primary Examiner
Date: 1/19/05